

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1978 - HB 2615

March 1, 2016

SUMMARY OF ORIGINAL BILL: Establishes the *Tennessee Lactation Consultant Practice Act* ("Act") for the purpose of licensing and regulating the activities of persons engaged in lactation care and services. Creates the Board of Lactation Consultants ("Board"). The Board shall be comprised of five members. Members shall not be entitled to compensation, but shall be reimbursed for any necessary travel expenses incurred. The Board shall be administratively attached to the Division of Health Related Boards. Requires the Board to perform such duties and possess and exercise such powers relative to the protection of the public health and the control and regulation of lactation consultants. The Board has the authority to: promulgate, repeal, and enforce such rules as it deems necessary for the administration and enforcement of this Act, including, but not limited to: licensing duly qualified applicants by examination and reinstatement, establishing continuing education requirements, establishing examination and licensing fees, implementing a disciplinary process, and enforcing qualification for licensure. Authorizes the board to refuse to grant a license, suspend, restrict, revoke, and refuse initial and renewal of licensure. Authorizes the Board to impose a fine not to exceed \$500 for each violation of law, rule, or regulation.

Requires a licensee to the Board to submit to a criminal history background check by the Tennessee Bureau of Investigation. On or after the twelve months following the effective date of this Act, no person without a license may practice lactation care and services; provided this chapter shall not prohibit any practice of lactation care and services that is exempt under Tenn. Code Ann. § 63-32-116. Any person found to unlawfully practice lactation care or services without appropriate licensure for the Board commits a Class B misdemeanor offense. This Act shall take effect July 1, 2017.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue –

\$7,200/FY17-18/TBI
\$63,400/FY17-18/Board of Lactation Consultants
\$59,100/FY18-19 and Subsequent Years/Board of Lactation Consultants

Increase State Expenditures –

\$7,200/FY17-18/TBI
\$63,400/FY17-18/Board of Lactation Consultants
\$59,100/FY18-19 and Subsequent Years/Board of Lactation Consultants

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SUMMARY OF AMENDMENT (012716): Deletes and replaces all language of the bill without making any substantive changes to the legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

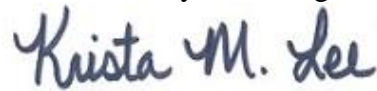
Assumptions for the bill as amended:

- An effective date of July 1, 2017.
- Five board members will be entitled to travel reimbursement.
- There will be 4 quarterly meetings per year.
- An average mileage reimbursement of \$139.59.
- A recurring increase in state expenditures of \$2,792 (5 members x 4 meetings x \$139.59).
- According to the Department of Health, the Board will require an additional Regulatory Board Administrative Assistant 3 position to process applications, renewals, and other administrative functions required by the Board.
- The recurring increase in state expenditures relative to the Board position is estimated to be \$56,345 (salary \$38,800 + benefits \$15,345 + communications + \$1,600 + supplies \$600)
- The one-time increase in state expenditures relative to the Board position is estimated to be \$4,300 (office furniture \$2,700 + computer \$1,600).
- The increase in state expenditures in FY17-18 is estimated to be \$63,437 (\$2,792 + \$56,345 + \$4,300); the recurring increase in state expenditures beginning in FY18-19 will be \$59,137 (\$2,792 + \$56,345).
- Examination will likely be provided by an outside vendor, such as the International Board of Lactation Consultation Examiners (IBLCE). Licensees will pay the IBLCE to take such examination. Licensees will provide proof of successfully passing such examination to the Board of Lactation Consultants when making application to the Board.
- The Board of Lactation Consultants will be placed under the Division of Health Related Boards.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over any two-year period. The Board of Lactation Consultants will charge appropriate licensure and examination fees to offset expenditures incurred to administer the regulatory duties of the Board. As a result, the increase in fee revenue to the Board is estimated to exceed \$63,437 in FY17-18 and estimated to exceed \$59,137 in FY18-19 and subsequent years.
- Licensees will be required to submit fingerprints to the Tennessee Bureau of Investigation (TBI) in order for TBI to perform a criminal history background check with the cost of conducting the background check being paid by the licensee.

- It is assumed that approximately 190 individuals will be licensed in FY17-18. This number is assumed to remain relatively constant in subsequent years. Therefore, any fee revenue and expenditures related to background checks after FY17-18 is considered not significant.
- TBI will collect one-time revenue and incur one-time expenditures of \$38 for each background check conducted in FY17-18 for totals of \$7,220 (190 x \$38) respectively.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

/jdb